

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**CORNELL UNIVERSITY, a nonprofit New  
York corporation, and CORNELL RESEARCH  
FOUNDATION, INC., a nonprofit New York  
corporation,**

**Plaintiffs,**

**-v-**

**01-CV-1974**

**HEWLETT-PACKARD COMPANY, a  
Delaware corporation,**

**Defendant.**

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**HEWLETT-PACKARD COMPANY, a  
Delaware corporation,**

**Counterclaimant,**

**-v-**

**CORNELL UNIVERSITY, a nonprofit New  
York corporation, and CORNELL RESEARCH  
FOUNDATION, INC., a nonprofit New York  
corporation,**

**Counterdefendants.**

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**APPEARANCES:**

Sidley Austin Brown & Wood  
Edward G. Poplawski, Esq.  
Bryan K. Anderson, Esq.  
Denise L. Mckenzie, Esq.  
Sandra S. Fujiyama, Esq.  
555 W. Fifth Street, 40th Floor  
Los Angeles, California 90013  
and

Cornell University Office of Counsel  
James J. Mingle, Esq.  
Nelson Roth, Esq.  
Valerie Cross, Esq.  
300 CPM Building, Garden Avenue  
Ithaca, New York 14853  
Attorneys for Plaintiffs/Counterdefendants

DLA Piper, Rudnick, Gray Cary US LLP  
John Allcock, Esq.  
Sean C. Cunningham, Esq.  
Stewart M. Brown, Esq.  
Arthur A. Wellman, Esq.  
Erin P. Gibson, Esq.  
401 B Street, Suite 1700  
San Diego, California 92101-4297  
and

Harter, Secrest & Emery LP  
Jerauld E. Brydges, Esq.  
1600 Bausch and Lomb Plaza  
Rochester, New York 14604-2711  
and

Fish, Richardson Law Firm  
Barry K. Shelton, Esq.  
John E. Guist, Esq.  
111 Congress Avenue, Suite 810  
Austin Texas 78701  
Attorneys for Defendant/Counterclaimant

**Hon. Norman A. Mordue, Chief U.S. District Judge:**

**MEMORANDUM-DECISION AND ORDER**

On July 14, 2006, defendant moved (Dkt. No. 653) for bifurcation of the trial in this patent infringement action and an expedited bench trial on the issue of unenforceability of the subject patent, based on defendant's defense of inequitable conduct. The motion was referred to United States Magistrate Judge David E. Peebles for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c).

On August 15, 2006, Magistrate Judge Peebles issued a Report and Recommendation

(Dkt. No. 672) recommending that the motion be denied. Defendant has filed objections (Dkt. No. 677) to the Report and Recommendation; plaintiffs have responded (Dkt. No. 682).

Upon *de novo* review of the motion papers, the Report and Recommendation, defendant's objections, and plaintiffs' response, *see* 28 U.S.C. § 636(b)(1)(C), the Court accepts and adopts the Report and Recommendation in its entirety.

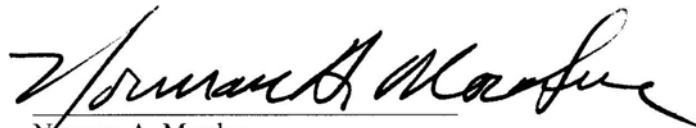
It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 672) is accepted and adopted in its entirety; and it is further

ORDERED that defendant's motion (Dkt. No. 653) for bifurcation of the trial and an expedited bench trial on the issue of unenforceability of the subject patent, based on defendant's defense of inequitable conduct, is denied.

IT IS SO ORDERED.

September 25, 2006  
Syracuse, New York



Norman A. Mordue  
Chief United States District Court Judge